

## REMARKS

Applicants acknowledge receipt of an Office Action dated March 27, 2003. In this response Applicants have amended claim 15 and have added claim 31. Support for these amendments may be found in the specification, *inter alia*, at page 8, lines 10-26. Following entry of these amendments, claims 15-30 are pending in the application.

Reconsideration of the present application is respectfully requested in view of the foregoing amendments and the remarks which follow.

### Rejections Under 35 U.S.C. §102

On page 2 of the Office Action, the PTO has rejected claims 15-19, 22-23, 26 and 29-30 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 3,883,267 to Baudier *et al.* (hereafter "Baudier"). As set forth below, Applicants respectfully traverse this rejection.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). See generally MPEP §2131. Here, Baudier fails to disclose a "the connecting section comprising an opening therethrough for accommodating a fastener" as recited in amended claim 15. Furthermore, Baudier fails to disclose the abutment of layers from the connecting section (there are no layers! ) and the layers of the fiber composite section in a transition section. Column 5 lines 31 to 37 clearly indicate that the steps formed by the successive layers of the fiber composite material are formed so as to attach the layer in question to the core through said step. Specifically, Baudier states that "[t]he offset portion thus forms a step, through which the layer in question is attached to the core." The area of an outer layer which protrudes over an inner layer is used for adhering the layer to the metal core. Therefore, there are no layers abutting each other. Accordingly, Applicants submit that Baudier cannot properly anticipate claim 15 or claims 14-19, 22-23, 26 or 29-30 which ultimately depend therefrom.

In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections under §102.

### **Rejections Under 35 U.S.C. §103**

On page 4 of the Office Action, the PTO has rejected claims 20-21, 24-25 and 27-28 under 35 U.S.C. §103(a) as being unpatentable over Baudier in view of EP 0 783 960 to Willard *et al.* (hereafter "Willard"). Applicants respectfully traverse this rejection for the reasons set forth below.

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 180 USPQ 580 (CCPA 1974). See MPEP §2143.03. Here, Baudier fails to teach or fairly suggest a "the connecting section comprising an opening therethrough for accommodating a fastener" as recited in amended claim 15. Furthermore, Baudier fails to teach or fairly suggest the abutment of layers from the connecting section (there are no layers! ) and the layers of the fiber composite section in a transition section. Column 5 lines 31 to 37 clearly indicate that the steps formed by the successive layers of the fiber composite material are formed so as to attach the layer in question to the core through said step. Specifically, Baudier states that "[t]he offset portion thus forms a step, through which the layer in question is attached to the core. The area of an outer layer which protrudes over an inner layer is used for adhering the layer to tile metal core. Therefore, there are no layers abutting each other. Although the PTO has applied Willard as a secondary reference, Willard adds nothing to resolve these basic deficiencies in Baudier. That is to say, neither Baudier nor Willard, taken either individually or in combination, teach or properly suggest, either a "connecting section comprising at least one hole for receiving a bolt" or wherein "layers that extend into the transitional section abut against each other at abutment points" as recited in claim 15.

If an independent claim is nonobvious under §103, then any claim depending therefrom is nonobvious. *In re Fine*, 5 USPQ2d 1596 (Fed. Cir. 1988). See MPEP 2143.03. Thus, Applicants submit that claims 20-21, 24-25 and 27-28, which ultimately depend from claim 15, are also non-obvious.

In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of this rejection under §103.

**Newly Added Claim 31**

In this response, Applicants have added new independent claim 31. Applicants submit that claim 31 is allowable because neither Baudier nor Willard, taken either individually or in combination, teach or properly suggest a composite material comprising a ""connecting section comprising at least one hole for receiving a bolt".

**CONCLUSION**

In view of the foregoing amendments and remarks, Applicants respectfully submit that all of the pending claims are now in condition for allowance. An early notice to this effect is earnestly solicited. If there are any questions regarding the application, the Examiner is invited to contact the undersigned at the number below.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date July 28, 2003

By 

FOLEY & LARDNER  
Customer Number: 22428



**22428**

PATENT TRADEMARK OFFICE

Telephone: (202) 672-5540  
Facsimile: (202) 672-5399

Richard L. Schwaab  
Attorney for Applicant  
Registration No. 25,479

Paul D. Strain  
Agent for Applicant  
Registration No. 47,369